

### **REMARKS**

In the Office Action, the Examiner rejected claims 1-85. By the present Response, Applicants amend claims 1, 21, and 22 to further clarify the claimed subject matter and cancel claims 20 and 25. These amendments do not add any new matter and are fully supported by the specification. Upon entry of the amendments, claims 1-19, 21-24, and 26-86 will remain pending in the present patent application. Applicants respectfully request reconsideration of the above-referenced application in view of the foregoing amendments and following remarks.

As a preliminary matter, Applicants note that the Office Action mailed March 14, 2005, failed to adequately address claim 86, which is an original claim of the present application. Applicants respectfully submit that claim 86 contains allowable subject matter and is currently in condition for allowance. However, if the Examiner should disagree with this assertion, Applicants respectfully request provision of an adequate rejection in a future, non-final office action to allow Applicants a reasonable opportunity to respond to the rejection.

Additionally, Applicants do not necessarily agree with the Examiner's conclusions with respect to the disclosure dates of subject matter in the present claims. However, Applicants believe the pending claims are allowable over the cited art for the substantive reasons provided below. Accordingly, Applicants choose to proceed on this basis while preserving the right to demonstrate that various subject matter may have a disclosure date other than that used by the Examiner.

### **Objections to the Drawings**

In the Office Action, the Examiner objected to FIG. 17 for a perceived informality. Particularly, the Examiner noted that the figure indicates "generate sub-bands overflow" at step 368 even if no overflow exists. Applicants have amended the instant figure to clarify this recitation and otherwise increase the consistency between the

figure and associated text provided in the specification. This amended FIG. 17 is enclosed herewith and entitled "Replacement Sheet." In light of the amendments to FIG. 17, Applicants respectfully request withdrawal of the Examiner's objection to the drawings.

### **Objections to the Specification**

In the Office Action, the Examiner also objected to the specification for various informalities. Although Applicants do not necessarily agree with the Examiner's objections, Applicants amended the specification as set forth above in the interest of advancing prosecution of the present application. In view of these amendments, Applicants believe the Examiner's objections are moot. Accordingly, Applicants respectfully request withdrawal of the Examiner's objections to the specification.

### **Rejections Under 35 U.S.C. § 102**

In the Office Action, the Examiner rejected claims 1-5, 7-63, and 73-85 under 35 U.S.C. § 102(e) as anticipated by Dekel et al. (U.S. Patent No. 6,314,452). Applicants respectfully traverse this rejection.

### ***Legal Precedent***

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Moreover, the prior art reference also must show the identical invention "*in as complete detail as contained in the ... claim*" to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Accordingly, Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter.

***Omitted Features of Independent Claim 1***

Turning now to the present claims, the Dekel et al. reference fails to disclose each element of independent claim 1. For instance, independent claim 1, as amended, recites “selectively retrieving a portion of the plurality of data sets ... wherein selectively retrieving the portion comprises requesting a data stream comprising the plurality of data sets ... and *breaking transmission of the data stream upon complete retrieval of the portion and prior to transmission of the entire data stream*” (emphasis added). Because the Dekel et al. reference fails to disclose such an element, the cited reference fails to anticipate independent claim 1.

The Dekel et al. reference is generally directed to the transmission of static images over communication channels. Col. 1, lines 8-14. The Dekel et al. system includes a client computer 110 for receiving image data and a server 120 for transmitting image data, which are connected to each other via communication network 130. Col. 3, line 66 – col. 4, line 16; FIG. 1. The apparatus is configured to allow client 110 to select a region of interest (ROI) with respect to a particular set of image data and to formulate the region of interest into a request list corresponding to particular data blocks within the larger set of data. Col. 4, lines 62-65; *see also* col. 5, lines 25-37. Notably, this request list consists entirely of data blocks needed for rendering a given region of interest. Col. 5, lines 25-37. Upon receipt, the server 120 communicates a stream of the requested data blocks to the client 110. *Id.* In other words, the client 110 determines *in advance* which data blocks are required to render a particular region of interest and then requests *only* these necessary data blocks from the server 120; the client does not request any extraneous data, such as data with a greater than desired resolution.

Conversely, independent claim 1 of the present application clearly recites “requesting a data stream comprising the plurality of data sets ... and *breaking transmission of the data stream upon complete retrieval of the portion and prior to transmission of the entire data stream*” (emphasis added). Applicants respectfully submit

that the Dekel et al. reference fails to disclose and, in fact, could not disclose this element. The Dekel et al. method relies on reducing transmission time and increasing efficiency by only requesting those data blocks required to render a particular region of interest and then receiving a data stream consisting of these necessary blocks. Because the Dekel et al. data stream contains only those blocks needed to render a particular region, it is not possible for the Dekel et al. system to both completely retrieve the relevant data *and* break transmission of the data stream prior to transmission of the entire data stream. In other words, the Dekel et al. data stream naturally ends with the receipt of the requested data blocks, making receipt of the requested blocks and early termination of the data stream *mutually exclusive* in the Dekel et al. reference. As such, the Dekel et al. reference simply cannot disclose “breaking transmission of the data stream upon complete retrieval of the portion and prior to transmission of the entire data stream.” Because the cited reference fails to teach each and every element, the Dekel et al. reference fails to anticipate independent claim 1 and the claims depending therefrom.

***Omitted Features of Independent Claims 29, 50, and 73***

Likewise, the Dekel et al. reference also fails to disclose each element of independent claims 29, 50, and 73. For instance, independent claim 29 recites “determining a viewport resolution of a client viewport.” Applicants note that independent claims 50 and 73 also recite structure or a software module for performing such a determination. Because the Dekel et al. reference fails to disclose such an element, the cited reference fails to anticipate independent claims 29, 50, and 73.

In the Office Action, the Examiner relied upon two passages of the Dekel et al. reference in asserting that the cited reference discloses “determining a viewport resolution of a client viewport.” *See* Office Action mailed March 14, 2005, pg. 8; *see also* Dekel et al., col. 15, lines 60-67; col. 23, lines 11-28. However, Applicants respectfully submit that such reliance is misplaced. With respect to the first passage, Applicants note this portion of the reference clearly indicates a focus on parameters *of a region of interest*.

Particularly, this passage teaches that two parameters of a region of interest are “worldPolygon” and “scale.” Col. 15, lines 60-67. As may be appreciated by one skilled in the art, the “worldPolygon” parameter in the present reference refers to the boundaries of the image that is of interest, i.e. the ROI; the “worldPolygon” is the polygon that encompasses the entire ROI and only the ROI. As may also be appreciated, “scale” is used to make that polygon smaller or larger depending on the needs of a user. Although this passage mentions that the worldPolygon may be scaled down to facilitate viewing on a device having limited resolution, the passage does not in anyway disclose, teach, or even suggest “determining a viewport resolution of a client viewport” as recited by the instant claims.

Turning to the second passage relied upon by the Examiner, with respect to a client display, this passage merely indicates a general propensity of users to first access a full image at the highest supported resolution that fits within the display (the first region of interest). Col. 23, lines 16-18. In other words, the reference teaches that most people initially prefer to see a full image at the highest resolution possible before delving into smaller portions of the image. However, as may be appreciated by the Examiner upon reconsideration, expressing this general tendency is not equivalent to teaching “determining a viewport resolution of a client viewport.” Because the cited reference fails to disclose “determining a viewport resolution of a client viewport,” the Dekel et al. reference cannot support a *prima facie* case of anticipation with respect to independent claims 29, 50, and 73, or their respective dependent claims.

Further, the Dekel et al. reference also fails to disclose other subject matter recited by the present claims. For instance, independent claim 29 also recites “comparing the viewport resolution against progressively higher resolution levels corresponding to the plurality of decomposed image sets.” Because the Dekel et al. reference fails to disclose determining a viewport resolution, it also necessarily fails to teach comparing such a resolution against resolution levels corresponding to decomposed image sets. Applicants

also note that dependent claims 55 and 77 also contain similar recitations. As the cited reference fails to teach such subject matter, these claims are also believed allowable over the Dekel et al. reference due to this additional deficiency.

For these reasons, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 102 and allowance of claims 1-5, 7-19, 21-24, 26-63, and 73-85.

### **Rejections Under 35 U.S.C. § 103**

In the Office Action, the Examiner rejected claim 6 under 35 U.S.C. § 103(a) as unpatentable over Dekel et al. in view of Sodagar et al. (U.S. Patent No. 6,157,746). The Examiner also rejected claims 64-72 as being unpatentable over Dekel et al. in view of Cooke, Jr. et al. (US Patent No. 6,574,629). Applicants respectfully traverse these rejections.

### ***Legal Precedent***

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (P.T.O. Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985). When prior art references require a selected combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gained from the invention itself, i.e., something in the prior art as a whole must suggest the desirability, and thus the

obviousness, of making the combination. *Uniroyal Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 U.S.P.Q.2d 1434 (Fed. Cir. 1988).

***Deficiencies of the Rejections***

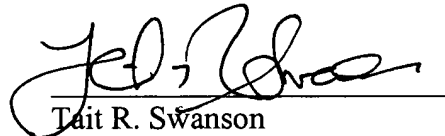
Applicants note that each of claims 6 and 64-72 depends from one of independent claims 1 or 50. As discussed above, the Dekel et al. reference fails to disclose each element of independent claims 1 and 50. Further, neither the Sodagar et al. reference nor the Cooke, Jr. et al. reference obviate the deficiencies of the Dekel et al. reference. As a result, dependent claims 6 and 64-72 are allowable on the basis of their dependency from a respective allowable independent claim, as well as for the subject matter separately recited in these dependent claims. Accordingly, Applicants respectfully request withdrawal of the Examiner's rejection and allowance of claims 6 and 64-72.

**Conclusion**

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: June 14, 2005

A handwritten signature in black ink, appearing to read 'Tait R. Swanson', is written over a horizontal line.

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